

ORDINANCE NO. 98 - 48

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **98-SCA 76 COM 3 (LAKE WORTH/LYONS ROAD COMMERCIAL)**; MODIFYING PAGE 76 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 6.44 ACRES GENERALLY LOCATED APPROXIMATELY 800 FEET NORTH OF THE NORTHEAST CORNER OF THE INTERSECTION OF LAKE WORTH ROAD AND LYONS ROAD FROM LOW RESIDENTIAL 2 (LR-2) TO COMMERCIAL LOW WITH AN UNDERLYING LOW RESIDENTIAL 2 (CL/2) WITH CROSS-HATCHING; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on August 28, 1998, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on September 24, 1998, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land
Use Element of the 1989 Comprehensive Plan

The following amendment to the Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 76 is amended as follows:

Application No.: 98-SCA 76 COM 3 (LAKE WORTH/LYONS ROAD
COMMERCIAL)

Amendment: From Low Residential 2 (LR-2) to Commercial Low, with an underlying Low Residential 2 (CL/2) with cross-hatching.

General Location: Approximately 800 feet north of the northeast corner of the intersection of Lake Worth Road and Lyons Road;

Size: 6.44 acres

B. **Conditions:** This parcel is subject to the following conditions:

1. For purposes of calculating FAR (Floor Area Ratio), there is no commercial intensity and/or commercial square footage assigned to this 6.44 acre site.
2. Vehicular storage, or storage of any kind is prohibited (with the exception of drainage and water retention which is permitted on site).

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this

1 amendment shall not become effective until the state land planning
2 agency or the Administration Commission, respectively, issues a
3 final order determining the amendment is in compliance.

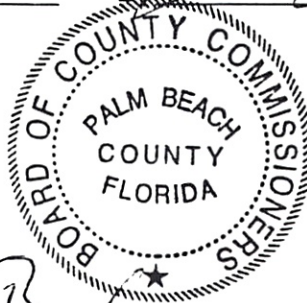
4 **APPROVED AND ADOPTED** by the Board of County Commissioners
5 of Palm Beach County, on the 24 day of September, 1998.

6 ATTEST:
7 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

8 By: Joan Haverley
9 Deputy Clerk

By: [Signature]
Chairman



10 APPROVED AS TO FORM AND
11 LEGAL SUFFICIENCY

12 [Signature]
13 COUNTY ATTORNEY

14 Filed with the Department of State on the 10th day
15 of October, 1998.

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EXHIBIT 1

Future Land Use Atlas page 76 is amended as follows:

Amendment No.: 98-SCA 76 COM 3 (LAKE WORTH/LYONS ROAD COMMERCIAL)

Location: Approximately 800 feet north of the northeast corner of the intersection of Lake Worth Road and Lyons Road

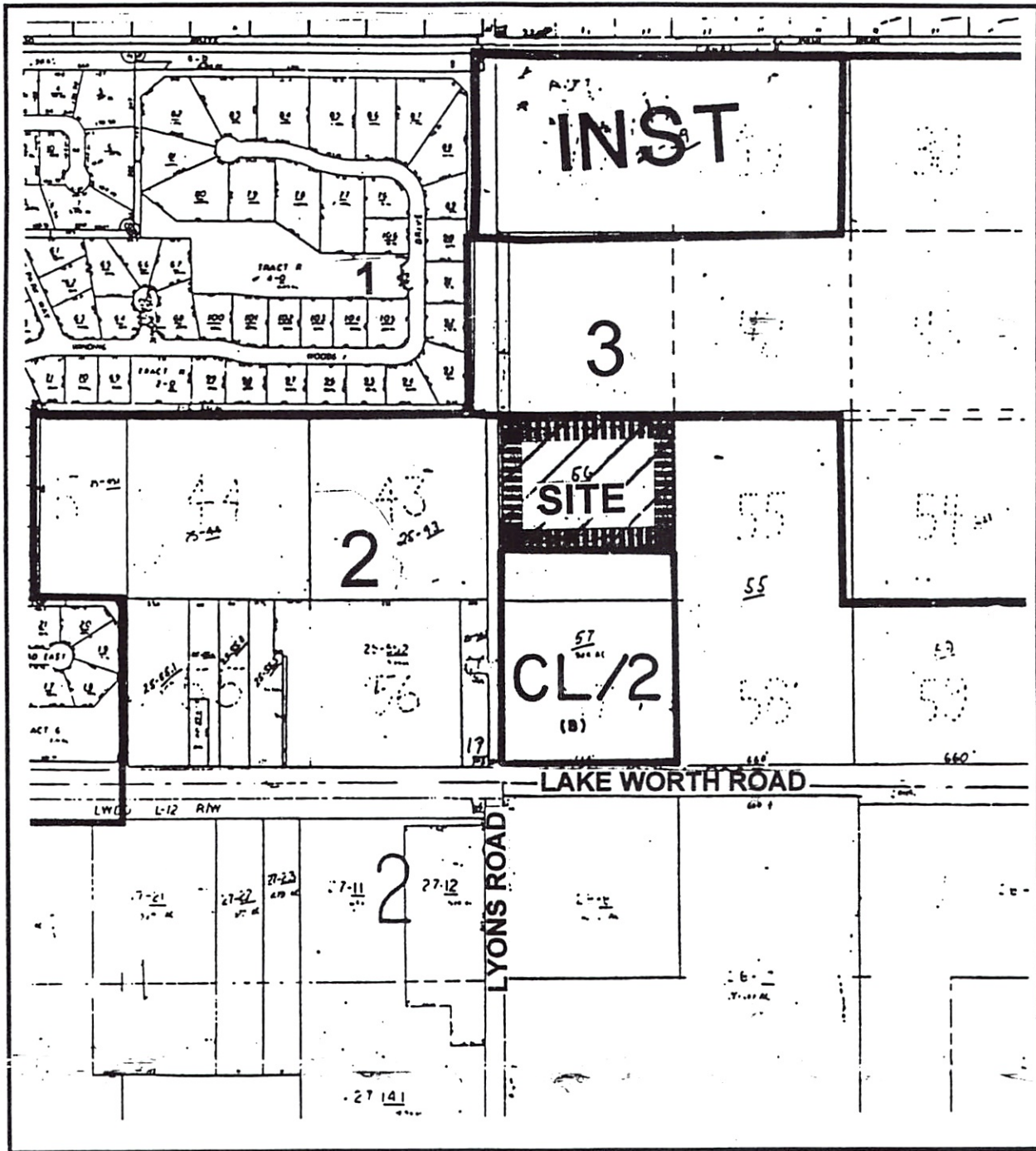
Size: 6.44 acres

Original FLU: Low Residential 2 (LR-2)

Adopted FLU: Commercial Low with an underlying Low Residential 2 (CL/2) with cross-hatching

Property No.: 00-42-43-27-05-024-0560

Legal Description: See attached.



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Legal Description: A PORTION OF TRACT 56, OF BLOCK 24 PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 449.30 FEET OF TRACT 56, BLOCK 24 PALM BEACH FARMS COMPANY PLAT NO. 3 AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, SUBJECT TO RIGHTS OF WAY FOR LYONS ROAD.

CONTAINING: 6.44 ACRES MORE OR LESS

Scale

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM CODRS CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (904)-488-8427 or Suncom 278-8427.

COUNTY: (Palm Beach)	COUNTY ORDINANCE # (98-48) <small>(e.g., 83-001)</small>
PRIMARY KEYFIELD DESCRIPTOR: (Comprehensive Planning)	
SECONDARY KEYFIELD DESCRIPTOR: (Land Use Planning)	
OTHER KEYFIELD DESCRIPTOR: ()	
ORDINANCE DESCRIPTION: (Land use MAP Amendment) <small>(25 characters maximum including spaces)</small>	
ORDINANCES AMENDED: <small>(List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)</small>	
AMENDMENT # 1: (); AMENDMENT # 2: ()	
ORDINANCES REPEALED: <small>(List below the ordinances that are repealed by this legislation.)</small>	
REPEAL # 1: (89-17); REPEAL # 3: ();	
REPEAL # 2: (); REPEAL # 4: ();	
<small>(Others repealed: list all that apply):</small>	

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()	KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: ()	<small>Rev. 1/23/88</small>